

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Daniel Giansante	Team: Squad #7	CCRB Case #: 201803666	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Monday, 05/07/2018 12:35 PM	Location of Incident: [REDACTED]	Precinct: 01	18 Mo. SOL 11/7/2019	EO SOL 11/7/2019	
Date/Time CV Reported Thu, 05/10/2018 10:46 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 05/10/2018 10:46 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM John Shapiro	12753	949655	001 PCT
2. An officer			001 PCT
3. POM Geronimo Tyrell	13283	952308	001 PCT
4. Officers			001 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Christophe Paniagua	19985	962659	001 PCT
2. POM Joseph Hunsucker	30785	957692	001 PCT
3. POM Aramis Rosario	24754	958022	001 PCT
4. POM Angel Ogando	17119	952065	001 PCT
5. POM Patrick Hastings	05770	960643	001 PCT
6. POF Kaitlin Hicks	12931	964410	001 PCT
7. SSA Darryl Glenn		363890	
8. LT Daniel Spaeth	00000	946563	001 PCT
9. POM Daniel Smith	08472	945016	001 PCT

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Force: An officer used a chokehold against § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Geronimo Tyrell	Off. Language: Police Officer Geronimo Tyrell made remarks to § 87(2)(b) [REDACTED] based upon race.	[REDACTED]
C.POM Geronimo Tyrell	Off. Language: Police Officer Geronimo Tyrell made remarks to § 87(2)(b) [REDACTED] based upon the gender of § 87(2)(b) [REDACTED]	[REDACTED]
D.POM Geronimo Tyrell	Discourtesy: Police Officer Geronimo Tyrell spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
E.POM Geronimo Tyrell	Force: Police Officer Geronimo Tyrell used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
F.POM John Shapiro	Force: Police Officer John Shapiro used physical force against § 87(2)(b) [REDACTED]	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
G. Officers	Force: Officers used physical force against § 87(2)(b)	
H.POM Geronimo Tyrell	Force: Police Officer Geronimo Tyrell used physical force against § 87(2)(b)	
I.POM Geronimo Tyrell	Off. Language: Police Officer Geronimo Tyrell made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)	
J. An officer	Off. Language: An officer made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)	
K.POM Geronimo Tyrell	Off. Language: Police Officer Geronimo Tyrell made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)	

Case Summary

On May 10, 2018, § 87(2)(b) filed the following complaint by phone with the CCRB on behalf of her 16-year-old daughter, § 87(2)(b) (BR01). On May 31, 2018, § 87(2)(b) also filed the complaint with IAB, generating original log number 2018-21248 (BR02).

On May 7, 2018, at approximately 12:35 p.m., § 87(2)(b) was at school at the § 87(2)(b) located § 87(2)(b) in Manhattan. She got into a physical fight in the cafeteria involving three other students, which prompted school staff to call 911 for an NYPD response. A number of officers from the 1st Precinct responded, including Police Officer Geronimo Tyrell and Police Officer John Shapiro. An officer allegedly used a chokehold against § 87(2)(b) (**Allegation A: Force, § 87(2)(g)**). PO Tyrell allegedly said that he “hate[s] when little black bitches don’t know how to act” (**Allegations B-C: Offensive Language, § 87(2)(g)**). § 87(2)(b) spit in PO Tyrell’s face, and PO Tyrell allegedly exclaimed, “It got right in my fucking eye!” (**Allegation D: Discourtesy, § 87(2)(g)**). PO Tyrell, PO Shapiro, and other officers took § 87(2)(b) to the ground and handcuffed her (**Allegations E-G: Force, § 87(2)(g)**). PO Tyrell allegedly kicked § 87(2)(b)’s leg to move it closer to a wall once she was brought to a standing position (**Allegation H: Force, § 87(2)(g)**).

PO Tyrell asked § 87(2)(b) if she had any STDs, and allegedly responded to her claim that she was a virgin by saying, “You not no damn virgin” (**Allegation I: Offensive Language, § 87(2)(g)**). PO Tyrell also allegedly told § 87(2)(b) “I’m asking you cause you spit in my fucking eye” (**Allegation D**). An officer allegedly told § 87(2)(b) “You not a girl; you’re a man” (**Allegation J: Offensive Language, § 87(2)(g)**). PO Tyrell allegedly called § 87(2)(b) a bitch while telling other officers to turn her around (**Allegation K: Offensive Language, § 87(2)(g)**).

§ 87(2)(b) was arrested on charges of § 87(2)(b)

(BR03).

The investigation did not obtain any video footage.

Findings and Recommendations

- **Allegation (A) Force: An officer used a chokehold against § 87(2)(b)**
§ 87(2)(b) made no statements in the initial complaints to the CCRB and IAB (BR01; BR04). § 87(2)(b) spoke during those phone calls, and though she did not witness the incident, she claimed that officers “choked” § 87(2)(b). She also claimed that the officers “punched her in the face,” that they slammed her against a wall and the floor, and that they dragged her on the floor. As § 87(2)(b) never alleged that she was punched or dragged on the floor, the investigation did not rely at all upon § 87(2)(b)’s claims.

During § 87(2)(b)’s CCRB phone statement on May 14, § 87(2)(b) listened in and occasionally prompted § 87(2)(b) with information (BR05). § 87(2)(b) did not allege that any officer choked her during this phone statement. § 87(2)(b) recounted that she got into a fight with two female students, one of whom hit her. Eventually she was at the school’s security desk in the presence of School Safety Agent Darryl Glenn and § 87(2)(b). A large group of officers arrived, and one of them approached § 87(2)(b). § 87(2)(b) “wasn’t calm at all,” but she was not saying anything to the officers. One of the officers approached her, and he “attacked” her when she turned to see him beside her. She specified that the officer “attacked” her because she “wasn’t calm or whatever.” The officer

grabbed the back of § 87(2)(b)'s neck with one hand and tried to trip her down to the ground. § 87(2)(b) did not go to the ground, and other officers joined the struggle.

§ 87(2)(b) provided a largely similar account during her in-person CCRB statement (BR06). She denied that any officer said anything to her before she turned around to find an officer standing directly behind her. The officer did not say anything to her. He moved to her right side, reached across her chest with his right arm, and put his right palm on the back of her neck. § 87(2)(b) was photographed during her interview demonstrating the position of the officer's arm and hand (BR07). The officer put his leg in front of § 87(2)(b) and tried to pull her forward so that she would trip over his leg.

At the outset of her statement, § 87(2)(b) recounted that the officer had his arm "around" her neck. She later confirmed, upon being asked, that the officer's arm was touching her neck. When asked if the inside of the officer's arm, or inside crook of his elbow, was pushed against her neck, § 87(2)(b) replied, "It wasn't really." She then added, "But after all of them helped him, his arm was around my neck, like, tightly." However, § 87(2)(b) later denied that the officer was holding onto her neck when she was brought to the ground. She also denied that her breathing was ever restricted during the incident.

The IAB case file shows that an investigator interviewed § 87(2)(b) and § 87(2)(b) on June 5 (BR08). The investigation did not obtain the audio recording of this interview. The summary in the IAB case file does not state that § 87(2)(b) complained of having been choked.

In her phone statement, § 87(2)(b) indicated that she did not begin observing the incident before until after § 87(2)(b) was handcuffed (BR09).

In the IAB complaint, § 87(2)(b) indicated that school safety agents were willing to testify on her daughter's behalf, and § 87(2)(b) referenced SSA Glenn during her in-person statement as a valuable third-party witness. SSA Glenn, however, directly contradicted § 87(2)(b)'s account of how the physical struggle began (BR10). He denied that any officer grabbed § 87(2)(b) soon after arriving on scene. In fact, he recounted that two officers arrived initially, and that they spoke in a quiet tone to § 87(2)(b) as they attempted to get more information about the fight and to determine if she was injured. § 87(2)(b) reacted to the arrival of the NYPD officers by using profanity and insisting that she did not want to speak to them. SSA Glenn stepped away for a few minutes, and he returned to find that officers were still trying to speak to § 87(2)(b) and that they were not touching her.

It was not necessary to identify the subject officer to reach a disposition for this allegation.

PO Paniagua was one of the first two officers on scene, and his account was consistent with that of SSA Glenn with regard to how the officers initially interacted with § 87(2)(b) (BR11). PO Tyrell similarly denied that § 87(2)(b)'s claim that an officer immediately grabbed her upon arriving was accurate (BR12). Both officers denied that any officer ever grabbed § 87(2)(b) by the neck. The officers' statements with regard to how the physical struggle with § 87(2)(b) began will be detailed in the sections regarding Allegations E-G.

§ 87(2)(g)

Patrol Guide Procedure 221-01 states, “A chokehold shall include, but is not limited to, any pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air” (BR13).

§ 87(2)(g)

§ 87(2)(g)

- **Allegation (B) Offensive Language: Police Officer Geronimo Tyrell made remarks to § 87(2)(b) based upon race.**

Allegation (C) Offensive Language: Police Officer Geronimo Tyrell made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)

In the initial CCRB complaint, § 87(2)(b) claimed that PO Paniagua said during the incident, “These little black bitches don’t know how to act.” She did not provide any context, and she did not explain how she knew that PO Paniagua made the statement. § 87(2)(b) did not repeat the allegation in her initial complaint to IAB.

In her CCRB phone statement, § 87(2)(b) did not make any allegation that any officer used racially-charged language during the incident.

In her in-person statement, § 87(2)(b) alleged of PO Tyrell, “And he said he hate when little black bitches don’t know how to act.” § 87(2)(b) made contradictory statements regarding when PO Tyrell uttered the remark. Initially, § 87(2)(b) claimed that officers brought her to the ground and cuffed her, that they then brought her to a standing position against a wall, that her spit then got on PO Tyrell, that officers took her to the ground again, that officers had to hold PO Tyrell back from her, and that PO Tyrell then made the alleged remark. However, she later claimed that PO Tyrell made the remark before her spit got on him, when she was still being held in a standing position against a wall. She confirmed that PO Tyrell was speaking to her when he made the statement. At the time, § 87(2)(b) was repeatedly telling the officers, “Suck my dick.”

§ 87(2)(g)

SSA Glenn denied that any officer made the alleged remark, and that any officer made any type of racially-charged remark. § 87(2)(b) similarly denied hearing any such remark. It should be noted that § 87(2)(b) refused to provide a statement to the IAB investigation, that she refused to provide a sworn statement to the CCRB, and that she claimed that she would not be a good witness because she was biased against police officers. The investigation therefore viewed any of her testimony which was exculpatory for the officers as credible.

PO Tyrell denied making any such remark, and PO Paniagua denied hearing such a remark.

§ 87(2)(g)

§ 87(2)(g)

- **Allegation (D) Discourtesy: Police Officer Geronimo Tyrell spoke discourteously to**

§ 87(2)(b)

In her in-person statement, § 87(2)(b) recounted that, when her spit got on PO Tyrell, PO Tyrell reached up to his eye and said, “It got right in my fucking eye.” She did not know to whom PO Tyrell was speaking when he made the remark. She also recounted that, later in the incident, when PO Tyrell asked her if she had any STDs, he told her, “I’m asking you cause you spit in my fucking eye.”

§ 87(2)(b) initially recounted that PO Tyrell reacted to being spat upon by saying, “She spit in my eye. She spit in my eye.” He was making motions as if he was trying to get the spit out of his eye. Upon later being asked if PO Tyrell said, “It got right in my fucking eye,” § 87(2)(b) confirmed that PO Tyrell did make that remark. She later quoted PO Tyrell as having said, “It went in my fucking eye.” § 87(2)(b) did not know if PO Tyrell was speaking to § 87(2)(b) when he made the statement. § 87(2)(b) also recounted hearing PO Tyrell asking § 87(2)(b) if she had any STDs. § 87(2)(b) was not directly questioned as to whether she heard PO Tyrell make the second profane remark during that time, but she provided a full account of that later conversation and did not recount hearing PO Tyrell use profanity during it.

SSA Glenn denied hearing any officer use profanity toward § 87(2)(b). He saw § 87(2)(b) spit at the officers, and he saw officers bring her to the ground shortly thereafter. Once § 87(2)(b) was on the ground, SSA Glenn recalled hearing an officer say, “It got in my fucking eye.” He did not see which officer made the remark, but it did not appear to him that the remark was directed at § 87(2)(b). SSA Glenn did not recall hearing a conversation between an officer and § 87(2)(b) regarding the possibility of her having any STDs.

PO Tyrell recounted that he immediately closed his eyes when § 87(2)(b) spit in his face, and that he maintained his grip on her. § 87(2)(g). When asked if he made any statements to § 87(2)(b) in reaction to her spitting in his eye, PO Tyrell said, “I don’t know. I don’t know exactly if I said anything or not. I probably yelled.” He denied using any profanity directed at § 87(2)(b). When asked if he made the exact remark alleged by § 87(2)(b), PO Tyrell replied, “I don’t think it was towards her. I don’t know. I don’t know if I said that.” When later asked again if he made the specific remark, PO Tyrell said, “In those words? I don’t know.” As will be detailed in the section regarding Allegation I, PO Tyrell admitted that he later asked § 87(2)(b) if she had any STDs. PO Tyrell categorically denied making the second alleged profane remark during the conversation about STDs.

PO Paniagua denied hearing PO Tyrell use any profanity toward § 87(2)(b). He had no recollection of hearing him make either alleged remark. PO Paniagua also had no recollection of hearing PO Tyrell question § 87(2)(b) about STDs.

§ 87(2)(g)

§ 87(2)(g)

Patrol Guide Procedure 203-09 requires that officers be courteous and respectful when dealing with members of the public (BR14).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

- **Allegation (E) Force: Police Officer Geronimo Tyrell used physical force against**

§ 87(2)(b)

Allegation (F) Force: Police Officer John Shapiro used physical force against

§ 87(2)(b)

Allegation (G) Force: Officers used physical force against

§ 87(2)(b)

It is undisputed that officers brought § 87(2)(b) to the ground once.

In her phone statement, § 87(2)(b) alleged that officers took her to the ground only one time. As previously explained, § 87(2)(b) claimed that officers attacked her immediately and without provocation.

In her in-person statement, § 87(2)(b) again claimed that an officer immediately grabbed her and tried to take her down. She successfully resisted the officer's attempt to bring her down, and additional officers grabbed her and brought her down on her stomach. She struck the tip of her chin on the ground, and she claimed to have sustained a "blue bruise" on her chin as a result. The officers immediately handcuffed her as she told them to suck her dick. She felt officers' knees pressing into her back as they cuffed her; this did not restrict her breathing. The officers later brought her to a standing position against a wall.

§ 87(2)(b) made various contradictory statements regarding what took place once she was brought to a standing position, and she frequently added new claims or changed the chronological order of her various allegations. Ultimately she claimed that, while she was standing with her face against the wall, she said, "Suck my dick," directly at PO Tyrell. § 87(2)(b) claimed that there was a good deal of "foam" and "spit" about her mouth because she was so angry and yelling so much, and that some of her spit inadvertently hit PO Tyrell when she told him to suck her dick. Some number of officers then brought her to the ground, again on her stomach. Although she was rear-cuffed, § 87(2)(b) claimed that she did not strike her face on the ground when the officers brought her down a second time.

It should be noted that, during the fight at school which caused the incident, § 87(2)(b) was punched twice on the right side of her face. She claimed not to have sustained any injuries as a result.

The written summary of § 87(2)(b)'s IAB interview indicates that she only recounted being brought to the ground once.

§ 87(2)(b) had a scar on her chin during her CCRB interview, which she attributed to a different, earlier incident (BR15). She did not have any bruising. She also recounted suffering pain and stiffness in her lower back, which was still extant at the time of the CCRB interview. She considered asking for medical attention while in custody, but decided against it when she learned it would delay her release. After being released, she went home and went to sleep. When § 87(2)(b) awoke in the late afternoon on May 8, § 87(2)(b) called an ambulance for her and she was transported to § 87(2)(b). The resulting Pre-Hospital Care Report Summary shows that § 87(2)(b) was actually transported by EMTs near midnight on the night of May 9. It indicates that § 87(2)(b) complained of pain to her lower back and to the left side of her jaw (see Privileged Documents). The hospital records also show that she complained of pain to her lower back and jaw, and that she described her pain level as 3 out of 10. An examination found that § 87(2)(b) had mild tenderness in her jaw and lower back, X-rays of those areas were unremarkable, and she was discharged with pain relievers and muscle relaxants.

SSA Glenn denied that officers took § 87(2)(b) to the ground more than once. As previously noted, SSA Glenn recounted that § 87(2)(b) became angry and agitated when NYPD officers arrived, and that she remained so when they tried to approach her calmly. Eventually, officers stepped closer to § 87(2)(b) and § 87(2)(b) reacted by hocking up spit and deliberately spitting multiple times at them. SSA Glenn saw the spit hit officers in their faces and upper bodies. One or more officers then grabbed § 87(2)(b)'s arms and tried to cuff her. § 87(2)(b) resisted by tugging her arms back and pulling them away from the officers. The officers instructed her to stop resisting.

The officers then pulled § 87(2)(b) downward such that she had one knee on the ground. § 87(2)(b) continued to resist by flailing her legs. The officers then brought her other knee to the ground, and then maneuvered her such that she was facedown on the ground. SSA Glenn denied that the officers slammed or struck § 87(2)(b)'s head or face against the ground. § 87(2)(b) continued trying to pull her arms away, but the officers were able to cuff her. SSA Glenn described the force employed by the officers as "necessary."

§ 87(2)(b) stated generally that she felt the officers acted improperly and excessively toward § 87(2)(b). However, she continually refused to provide any further details with regard to the use of force she witnessed. She protested multiple times that she had recounted everything that she could recall. She claimed that she definitely saw the officers take § 87(2)(b) to the ground "several times," but later said that she thought she saw the officers bring her down only twice. She could not describe in any detail how the officers actually took § 87(2)(b) to the ground, nor could she describe the position in which § 87(2)(b) came down to the ground. In addition, as previously noted, § 87(2)(b) recounted that § 87(2)(b) was already handcuffed and seated in a chair when she arrived on scene, which would indicate that § 87(2)(b) was not present when the officers took § 87(2)(b) to the ground. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g) PO Tyrell recounted that officers were trying to calm § 87(2)(b) when Police Officer Daniel Smith walked toward her with his palms out. § 87(2)(b) used one of her arms to swipe away one of PO Smith's arms. PO Smith grabbed § 87(2)(b)'s arms, turned her around, pulled her arms behind her

back, and moved her toward a wall. § 87(2)(b) began resisting against PO Smith, so PO Tyrell neared her left side and helped to push her toward the wall. Other officers were grabbing § 87(2)(b)'s arms. An officer managed to apply one cuff to § 87(2)(b) at which point she turned and spat in PO Tyrell's eye. The spit also landed on PO Shapiro. PO Tyrell maintained his grip on § 87(2)(b) closed his eyes, and held her by the left arm and shoulder while officers brought her to the ground.

PO Paniagua similarly recounted seeing PO Smith approach § 87(2)(b) with palms extended, and seeing her swipe his arm away. PO Smith then grabbed one of her arms, and PO Paniagua assumed that he intended to handcuff § 87(2)(b) for safety purposes so the officers could finally investigate the circumstances of the earlier fight. PO Paniagua echoed PO Tyrell's account, and recalled seeing him and other officers pull § 87(2)(b) to the ground. He denied that § 87(2)(b) was "slammed" down to the ground.

The written summary of PO Shapiro's IAB interview indicates that he admitted to assisting PO Tyrell in bringing § 87(2)(b) to the ground (BR16). It was not necessary to interview PO Shapiro to reach dispositions for these allegations, nor was it necessary to identify all the officers who assisted in grabbing § 87(2)(b) and bringing her to the ground.

§ 87(2)(g)

Patrol Guide Procedure 221-01 states that officers may use force when it is reasonable to ensure the safety of another officer, and when it is reasonable to place a person in custody. In all circumstances, any use of force must be reasonable under the circumstances and not excessive (BR13).

§ 87(2)(g)

§ 87(2)(g)

- **Allegation (H) Force: Police Officer Geronimo Tyrell used physical force against**

§ 87(2)(b)

In her in-person statement, § 87(2)(b) initially did not recount that any officer kicked her. She later recounted that officers were holding her face-first against a wall, but that her left foot and leg were not completely touching the wall. PO Tyrell then kicked her left foot to move it closer to the wall. § 87(2)(b) later specified that this took place before her spit inadvertently got on PO Tyrell, which would indicate in her narrative that she was already handcuffed at the time.

§ 87(2)(g)

§ 87(2)(b) denied seeing any officer kick § 87(2)(b) § 87(2)(g)

SSA Glenn denied seeing officers hold § 87(2)(b) against a wall; he recounted seeing them put her in a chair after lifting her off the ground. He denied seeing any officer ever kick § 87(2)(b) and specifically denied seeing an officer kick her leg or foot. SSA Glenn left the immediate vicinity for a few minutes after § 87(2)(b) was seated in a chair to confer with his newly-arrived supervisors.

PO Tyrell confirmed that, after washing out his eyes in the bathroom, he returned to the scene to find officers holding a handcuffed § 87(2)(b) up against a wall. He denied, however, that he or any officer kicked her. She continued to try to turn around and move away, so the officers eventually put her in a chair. PO Paniagua had no recollection of officers holding § 87(2)(b) against a wall before placing her in a chair.

§ 87(2)(g)

Patrol Guide Procedure 221-01 states that officers may use force when it is reasonable to ensure the safety of another officer, and when it is reasonable to place a person in custody. In all circumstances, any use of force must be reasonable under the circumstances and not excessive (BR13).

§ 87(2)(g)

§ 87(2)(g)

- **Allegation (I) Offensive Language: Police Officer Geronimo Tyrell made remarks to**

§ 87(2)(b) **based upon the gender of** § 87(2)(b)

It is undisputed that PO Tyrell asked § 87(2)(b) if she had any STDs.

In her in-person statement, § 87(2)(b) recounted that PO Tyrell went to a nearby bathroom after her spit went in his face. PO Tyrell later emerged and asked her, “Do you have any STDs or anything? I’m asking you cause you spit in my fucking eye.” § 87(2)(b) replied, “I’m a virgin,” and PO Tyrell responded, “You not no damn virgin.”

§ 87(2)(b) confirmed that PO Tyrell asked § 87(2)(b) if she any STDs or any “diseases.” It was § 87(2)(b) impression that PO Tyrell was concerned that he might become infected because § 87(2)(b) spat in his eye. § 87(2)(b) denied hearing either § 87(2)(b) or PO Tyrell make any statements regarding whether § 87(2)(b) was a virgin, and she denied hearing PO Tyrell tell § 87(2)(b) that she was not a virgin. She merely recalled that § 87(2)(b) said she did not have any diseases, and PO Tyrell mentioned that he going to “do LOD” and “take a shot” anyway.

SSA Glenn denied hearing any conversation regarding whether § 87(2)(b) had any STDs or whether she was a virgin.

PO Tyrell recounted that he spent about two minutes in the bathroom rinsing out his eyes, and added that PO Shapiro accompanied him because he got spit in his mouth and eye. PO Tyrell admitted that he then approached § 87(2)(b) when she was seated in a chair and asked her, “Do you have any STDs?” PO Tyrell explained during his CCRB interview that he did not know if she had any blood in her mouth, and that he asked the question because he was concerned about transmissible diseases. § 87(2)(b) replied that she was a virgin. PO Tyrell did not think he responded to § 87(2)(b) and he denied that he ever told her that she was not a virgin. PO Paniagua had no recollection of any officer asking § 87(2)(b) about STDs.

PO Tyrell also noted that both he and PO Shapiro had to miss weeks of work after this incident, as they both took a prophylactic drug cocktail as a precaution.

§ 87(2)(g)

Patrol Guide Procedure 203-10 prohibits officers from making discourteous or disrespectful remarks regarding another person’s gender (BR17).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

• **Allegation (J) Offensive Language: An officer made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)**

In her CCRB complaint, § 87(2)(b) alleged that officers called § 87(2)(b) a man and told her she was not a woman. § 87(2)(b) did not repeat this allegation in her IAB complaint. § 87(2)(b) also did not make the allegation in her CCRB phone statement.

§ 87(2)(g)

§ 87(2)(b) She first claimed that multiple officers laughed at her, told her she was not a girl, and told her she was a man. She said it occurred when officers were first holding her up against a wall, before the spitting incident. She then said that only one officer made the remark. She then said this officer made the remark at multiple points: when she was held against the wall, and when officers brought her outside to the street. She now thought the officer made the remark “a few times.” She then denied that the officer made the remark when she was being held against the wall.

Finally, when asked to state the first time that the officer made the remark, § 87(2)(b) suddenly claimed that it was immediately after PO Tyrell said that she was not a virgin. She quoted the officer as saying, “You not a girl. You’re a man.” She later recounted the portion of

the incident when officers brought her outside to a vehicle for transport, but did not recount that any officer made such a remark outside.

§ 87(2)(b) did not recount hearing such a remark. She recalled that, at some point, § 87(2)(b) protested that the officers should be treating her more gently because she was a girl, and an officer told her she was “acting like a man.”

SSA Glenn denied hearing any such remark, and denied hearing § 87(2)(b) say that officers should treat her differently because she was a girl.

PO Paniagua and PO Tyrell denied hearing any such remark. It was not necessary to identify the subject officer to reach a disposition for this allegation.

§ 87(2)(g)

§ 87(2)(g)

- **Allegation (K) Offensive Language: Police Officer Geronimo Tyrell made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)**

In her in-person statement, § 87(2)(b) recounted that PO Tyrell, two other officers, § 87(2)(b) and § 87(2)(b) another school staff member, rode downstairs in an elevator together at the end of the incident. During the ride, PO Tyrell put his hand in § 87(2)(b)'s face and told the other officers, “Turn that bitch around. I don’t want to look at her.” The officers then held § 87(2)(b) so she faced a corner of the elevator.

§ 87(2)(b) confirmed that she rode in the elevator, and she denied that any officer made the alleged remark. PO Tyrell also denied making the remark. PO Paniagua also recalled riding in the elevator, though he did not recall PO Tyrell being there. He similarly denied hearing any such remark.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) have been parties (BR18).
- Police Officer Tyrell has been a member of the NYPD for six years. This is the first CCRB complaint in which he has been a subject.
- Police Officer Shapiro has been a member of the NYPD for eight years and has been a subject in eight CCRB complaints and 13 allegations, none of which was substantiated. One case, comprising one allegation, is still under investigation.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- On September 27, 2018, the undersigned requested a copy of any Notice of Claim filed regarding this incident with the NYC Comptroller’s office. As of the date of this report, no response has been received. A copy of the response will be added to the case file upon receipt.

- In the criminal case resulting from this arrest, § 87(2)(b) is charged with § 87(2)(b) . The case is still open, and the next court date is § 87(2)(b) (BR19).
- § 87(2)(b) (BR20).

Squad No.: 8

Investigator:	_____	<u>Inv. Daniel Giansante</u>	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date